

Michigan IV-D Child Support Manual
Michigan Department of Health and Human Services

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1. Legal Requirements

Federal regulations¹ require that within 90 calendar days of locating the alleged father or non-custodial parent (NCP), the IV-D program must:

- Establish an order for support; or
- Complete service of process (SOP)² necessary to start the proceedings to establish a support order and, if necessary, paternity.

If an order cannot be established, or SOP cannot be completed, the IV-D program must document unsuccessful attempts to serve process in accordance with the state's guidelines defining diligent efforts.³

¹ Ref: 45 Code of Federal Regulations (CFR) 303.4(d).

² Service of process (SOP) is the formal delivery of a writ, summons, or other legal process.

³ Ref: 45 CFR 303.4.

2. Establishment Timeframes

2.1 Actions Upon Receipt of an Application/Referral for IV-D Services

The Michigan Department of Health and Human Services (MDHHS) administers public assistance programs⁴ and is responsible for providing referrals to the Office of Child Support (OCS) for the purposes of establishing paternity and securing child support for families who receive public assistance. Families not receiving public assistance benefits may request IV-D services by completing the *IV-D Child Support Services Application/Referral* (DHS-1201, OCS1201, or e1201).⁵ Federal regulations⁶ require that within 20 calendar days of receipt of an application or referral for IV-D services, the IV-D agency must do the following:

- Establish a case record;
- Solicit necessary and relevant information from the custodial party (CP) and other sources; and
- Initiate the verification of information, if appropriate.

SOP and establishment timeframes begin with the date of location of the putative father or the NCP.

2.2 Initiating Court Action Referrals (CARs)

The support specialist (SS) transmits referrals for establishment services using the electronic court action referral (CAR)⁷ process through the Michigan Child Support Enforcement System (MiCSES).

A CAR is a request from an SS⁸ to:

- The Prosecuting Attorney (PA) to establish a court order for paternity and/or family support;⁹ or
- The FOC asking for modification and/or enforcement of an existing order.¹⁰

2.2.1 Paternity Establishment

The SS must initiate referrals (CARs) for paternity establishment:

⁴ Family Independence Program (FIP), Medicaid, Food Assistance Program (FAP), and Child Development and Care (CDC)

⁵ Ref: [Section 2.05, "Referrals and Applications," of the Michigan IV-D Child Support Manual](#) for more information on applying for IV-D services.

⁶ Ref: 45 CFR 303.2(b).

⁷ Ref: [Section 2.20, "Court Action Referrals \(CARs\)," of the Michigan IV-D Child Support Manual](#) for more information regarding CARs.

⁸ This includes Interstate Central Registry and OCS Central Operations SS workers.

⁹ In some counties, the Friend of the Court (FOC) performs this function.

¹⁰ In some counties, the PA will modify an existing order.

- Within seven calendar days of determining the location of the putative father;¹¹ or
- Within 20 calendar days of determining the location of the putative father when an unsuccessful attempt is made to secure an *Affidavit of Parentage*.

2.2.2 Order Establishment

The SS must initiate referrals (CARs) for order establishment within seven calendar days of determining the location of the NCP and obtaining information that a legal parent exists.

3. PA and FOC Responsibilities for Service of Process (SOP)

3.1 Receipt of a CAR

When a PA or FOC worker receives a CAR, (s)he must do the following:

- Establish support obligations or complete SOP¹² necessary to commence proceedings within 90 calendar days of locating an NCP or prior to the expiration of the *Federal Expiration Date*;¹³
- Document on the *Legal Service of Process* (LSOP)¹⁴ screen in MiCSES a minimum of three unsuccessful SOP attempts if SOP is not completed prior to the *Federal Expiration Date*; and
- Meet expedited process standards by establishing a support obligation within six months after completion of SOP in at least 75 percent of the cases and within 12 months in 90 percent of the cases.¹⁵

Note: When disposition¹⁶ is obtained using long-arm jurisdiction¹⁷ and disposition occurs within 12 months, the case can be counted as being established within six months.¹⁸

¹¹ For more information, reference [Locate](#) documentation on mi-support.

¹² The required methods for SOP are governed by the Michigan Court Rules (MCRs) and are not discussed in this manual section.

¹³ The *Federal Expiration Date* is the day that the federal SOP timeframe expires – generally 90 days from location of the NCP. The timeframe can be changed based on certain events, as explained later in this manual section. The *Federal Expiration Date* is further explained in the [MiCSES 8.6 Release Notes](#) (December 6, 2013).

¹⁴ Ref: [MiCSES Screen Description: LSOP – Service of Process](#) for more information.

¹⁵ Ref: 45 CFR 303.101(b)(2)(i)(A)(B).

¹⁶ Disposition is the court's decision as to what should be done about a dispute that has been brought to its attention.

¹⁷ Michigan Compiled Law (MCL) 552.1201; long-arm jurisdiction is a legal provision that permits one state to claim personal jurisdiction over someone who lives in another state, territory, or tribe.

¹⁸ Ref: 45 CFR 303.101(b)(2)(iii).

3.2 SOP Timeframe

IV-D staff must record all SOP attempts and successful service dates¹⁹ on the LSOP screen. IV-D staff must provide additional notes about SOP on the *Notes Processor* (NOTE) screen. The following information applies to SOP:

3.2.1 Meeting Federal and State Requirements

The federal requirement to establish support obligations or complete SOP within 90 days of location of the NCP is in conflict with the MCR²⁰ that specifies 91 days from the complaint filed date. IV-D staff must track timeframes according to both the federal regulations and the court SOP dates. To meet federal regulations, SOP or due diligence²¹ must be completed within 90 days of locating the NCP. To meet requirements under the MCR, SOP must be completed within 91 days of filing the complaint. IV-D workers must ensure that both timeframes are met.

3.2.2 Monitoring the Federal Timeframe for SOP

To monitor the federal timeframe for SOP, IV-D staff will use the MiCSES *Federal Expiration Date* field²² on the LSOP screen. This field displays the date by which federal regulations require due diligence for the federal SOP timeframe to be satisfied. MiCSES initially calculates this date as the date that a case meets all of the following conditions:

- The case is an open IV-D case;
- An NCP has been added to the case;
- A dependent has been added to the case; **and**
- The NCP has been located.

Once MiCSES initially determines the *Federal Expiration Date*, it will immediately display it on the following screens:

- *Case Activity Diary* (CASD);
- *Case Member Addition* (CMAD);
- *Case Member Details* (CASE);
- *Case Processor* (CPRO);
- *Legal Case* (LCSE);
- *Legal Processor* (LPRO);
- LSOP;

¹⁹ When a PA worker documents successful SOP, the *Federal Expiration Date* field on the LSOP screen will not update again.

²⁰ MCR 2.102, *Summons; Expiration of Summons; Dismissal of Action for Failure to Serve*

²¹ Ref: Subsection 3.3.1 of this manual section for information on due diligence.

²² The *Federal Expiration Date* is further explained in the MiCSES 8.6 Release Notes (December 6, 2013).

- *Member Assistance History* (MAHI); and
- *Resolve Referral* (RESR).

Note: If MiCSES has not initially populated a *Federal Expiration Date* (e.g., the NCP has never been located) and a case is placed into a noncooperation or “good cause pending” status, the *Federal Expiration Date* will initially populate when the above conditions are met and the case is placed into cooperation status, a status of “good cause granted, continue action,” or a status of “good cause denied.” Additionally, if an initiating intergovernmental case status changes to a non-intergovernmental case status, MiCSES will populate a new *Federal Expiration Date*.²³

3.3 SOP Requirements

Federal regulations²⁴ require that the state establish guidelines defining diligent efforts to serve process. Those guidelines must include requirements for periodically repeating SOP attempts in cases in which previous attempts have failed but adequate identifying and location information exists. Unsuccessful attempts to serve process in accordance with state guidelines must be documented in MiCSES.

IV-D workers must meet the federal SOP requirements²⁵ by taking any of the following actions prior to the expiration of the *Federal Expiration Date*:

- Establishing a support order;
- Successfully completing SOP; or
- Satisfying the Michigan IV-D program’s due diligence requirements.²⁶

IV-D staff must record all SOP attempts and successful service dates on the LSOP screen.²⁷ SOP attempts that IV-D staff have entered after the *Federal Expiration Date* has passed or has been paused will be applied for due diligence purposes if the actual attempts occurred when the previous *Federal Expiration Date* period was active.

Note: IV-D staff **must** continue to work the case and provide IV-D services even if the case fails to meet the federal timeframes. This includes completing SOP.

²³ Ref: Subsection 3.4.6 of this manual section for more information.

²⁴ Ref: 45 CFR 303.3(c).

²⁵ Ref: 45 CFR 303.4(d).

²⁶ Ref: Subsection 3.3.1 of this manual section for more information on the Michigan IV-D program’s due diligence requirements.

²⁷ Ref: *MiCSES Screen Description: LSOP – Service of Process* for more information.

3.3.1 SOP Due Diligence Requirements

The Michigan IV-D program defines due diligence as:

- A. A minimum of three unsuccessful SOP attempts within a 90-day period documented in MiCSES;²⁸ or
- B. Application of a IV-D-qualifying summons extension as explained in Subsection 3.3.2 of this manual section.

Note: Not all court-ordered extensions will meet the IV-D definition of a “qualifying” summons extension.

3.3.2 IV-D-Qualifying Summons Extension to Meet Due Diligence Requirements

IV-D workers may encounter a situation where the NCP has been located, but SOP may not be possible prior to the expiration of the *Federal Expiration Date*. In this situation, IV-D workers may request that the court grant an order to extend the time period to serve the summons and complaint.²⁹ IV-D workers may have other reasons to make this request of the court; however, a summons extension will qualify as meeting the Michigan IV-D program’s due diligence standard **only** if it meets the criteria discussed in this subsection.

If the following conditions are not met, or if IV-D staff fail to complete the steps outlined under “IV-D Staff Actions” under Subsection 3.3.2(B) below, the IV-D case will not meet the federal SOP requirement and will fail the Self-Assessment audit.³⁰

A. Requirements for a IV-D-Qualifying Summons Extension

For a summons extension to satisfy the Michigan IV-D program’s due diligence requirements, the following conditions must be met:

²⁸ IV-D staff must continue to attempt to complete SOP on a case after three unsuccessful SOP attempts. Once the IV-D worker records in MiCSES that the attempts have been made, the case will satisfy the federal regulations; however, IV-D workers still have a responsibility to continue to provide IV-D services.

²⁹ MCR 2.102(D) requires that a filing party serve a summons and complaint within 91 days of the issuance of the summons. This is different from the federal requirement to serve process within 90 days of locating the alleged father or NCP. The court rules also allow a court to grant an extension of the service timeframe up to one year.

³⁰ Ref: [IV-D Memorandum 2015-021, Self-Assessment \(SASS\) Audit – Establishment of Paternity and Support Order \(Establishment\) Program Compliance Criteria Corrective Action Plan \(CAP\)](#).

1. Despite the individual being located, there is a reasonable belief that (s)he cannot be served³¹ prior to the expiration of the *Federal Expiration Date*;³²
2. An alternative method of SOP is not feasible; and
3. A judge has issued an order extending the summons because of the reasonable belief that the individual cannot be served prior to the expiration of the *Federal Expiration Date*.

B. IV-D Staff Actions Following a Qualifying Summons Extension Order

If the above conditions are met, IV-D staff must update the LSOP screen by taking the following actions:

1. Check the *Extension?* checkbox to indicate that an extension has been granted.
2. Enter a note in the *NOTE* pop-up window. MiCSES will copy the note to the MiCSES NOTE screen. The note must include the following:
 - a. The reason why SOP cannot be completed prior to the expiration of the *Federal Expiration Date*, and a statement that an alternative service method is not available;
 - b. A statement that a court order was issued, extending the summons for the reason given above; and
 - c. The date the court order was issued and the expiration date of the summons.
3. Enter the summons expiration date in the *Summons Expiration Date* field. This will cause the LSOP screen to automatically set the *Remaining Due Diligence* field value to zero, thus satisfying due diligence for this SOP.

Note: IV-D staff must **not** check the *Extension?* checkbox unless there is a IV-D-qualifying summons extension as described in this policy.

³¹ An inability to complete SOP due to resource and time limitations will not be credited as a IV-D-qualifying summons extension.

³² There is no minimum number of unsuccessful SOP attempts necessary to meet the due diligence requirement for this condition.

C. Examples

The following two examples illustrate proper and improper conditions for a summons extension:

Example 1: Proper Condition for a Summons Extension

A PA has learned that John T. started working on an oil rig in the Gulf of Mexico and will not be available for SOP for six months.

There is no alternative way to serve John T. out in the ocean, and after contacting his employer, the PA learns what day John T. will arrive back home after his six-month absence.

Therefore, the PA requests that the judge issue an order extending the summons for six months. After the order is granted, the PA will update the *Extension?* checkbox and *Summons Expiration Date* field on the LSOP screen accordingly and enter a note in the *NOTE* pop-up window with this information.

This satisfies the definition of due diligence for SOP.

Example 2: Improper Condition for a Summons Extension

A PA has a caseload with 60 SOPs and knows that (s)he does not have enough time to serve several of them prior to the expiration of the *Federal Expiration Date*.

Therefore, as permitted by court rule, the PA requests that the judge issue an order extending the summons for two of them. After the order is granted, the PA updates the *Extension?* checkbox and *Summons Expiration Date* field on the LSOP screen accordingly for both IV-D cases and enters notes in the *NOTE* pop-up window with this information.

Although a summons extension is permitted by court rule in this situation, PA staff must **not** enter the extension in MiCSES. The two IV-D cases will fail to satisfy the federal requirement for due diligence.

3.4 Conditions That Prevent Due Diligence

There are several situations that may prevent the IV-D program from exercising due diligence. When these situations arise, MiCSES will pause the *Federal Expiration Date*. Once the situation is resolved and the case is able to progress,

MiCSES will recalculate the *Federal Expiration Date*,³³ giving IV-D workers 90 days to continue working and to complete the SOP requirements.³⁴

3.4.1 NCP Becomes Not Located

When an NCP is not located, the *Federal Expiration Date* does not apply to the IV-D case. SOP is required only when the NCP is located. When a previously located NCP on a IV-D case becomes not located, MiCSES will not display the *Federal Expiration Date*. However, when the NCP is relocated, MiCSES will recalculate the *Federal Expiration Date* as the NCP's *Locate Date* on the *Member Address History* (AHIS) screen plus 90 days.

If the NCP cannot be served because (s)he cannot be located, IV-D staff must attempt to locate the NCP.³⁵

An NCP may become not located after MiCSES has initially set the *Federal Expiration Date*. For the NCP to be considered not located, the NCP's mailing and residential addresses on the AHIS screen **and** his/her employers on the *Member Employment History* (EHIS) screen must be end-dated.³⁶ MiCSES will then change the NCP's *Locate Status* on the AHIS and EHIS screens³⁷ to "N" (not located). When the NCP's *Locate Status* on the AHIS and EHIS screens is "N," the federal 90-day timer will stop and MiCSES will not recalculate the *Federal Expiration Date* until the NCP is relocated.

When the NCP is relocated, and the new *Locate Date* is shown on the AHIS and EHIS screens, MiCSES will change the NCP's *Locate Status* from "N" to "L" (located). If the NCP's *Locate Status* changes from "N" to "L" after the *Federal Expiration Date* is initially populated, MiCSES will recalculate the *Federal Expiration Date* and display it as the *Locate Date* plus 90 days. IV-D staff must use the recalculated *Federal Expiration Date* to monitor the federal timeframe for SOP.

Location dates on MiCSES may be different from screen to screen for many reasons. When IV-D staff enter subsequent NCP locate dates into

³³ If the full 90-day *Federal Expiration Date* period has passed, MiCSES will not recalculate the *Federal Expiration Date* unless a closed IV-D case is reopened.

³⁴ With the MiCSES 8.13 Release (November 2015), IV-D workers are able to view previously calculated *Federal Expiration Dates* in the *Federal Expiration Date History* pop-up window on the LSOP screen. More information about this functionality was provided in MiCSES technical documentation at the time of the release.

³⁵ For more information, reference Locate documentation on mi-support.

³⁶ When an NCP has multiple cases, IV-D staff must ensure that other cases are not negatively affected when end-dating addresses or employers on one of the NCP's cases.

³⁷ The NCP's current *Locate Status* can also be seen on the LSOP screen.

MiCSES, the **latest** locate date prior to a court order being established will mark the beginning of the SOP timeframe.

The parent's "legal" address is maintained based on statute and court rule and may or may not accurately reflect the parent's actual location. It is important to obtain the physical location of a parent so (s)he can receive notice of the child support action. For this reason, MiCSES does not consider the legal address when determining whether the NCP is located. An NCP is considered located if any of the following information is present on the case:

- A verified mailing address;
- A verified residential address;
- A verified work address (on the AHIS screen); or
- A verified employer (on the EHIS screen).³⁸

IV-D staff may choose to attempt to serve process on the parent at his/her recorded legal address.

3.4.2 Reopening of a Previously Closed IV-D Case

IV-D cases may close prior to the completion of SOP or due diligence requirements. When a case closes, there is no longer a requirement for the IV-D program to complete SOP. A IV-D case is generally reopened when an action such as a public assistance referral or a receipt of a new application for IV-D services triggers the case to reopen. These actions are equivalent to the creation of a new case, and therefore, a new SOP timeframe is required.

Once MiCSES or IV-D staff reopen a IV-D case:

- If the NCP is located, MiCSES will recalculate the *Federal Expiration Date* using the date of the IV-D case reopening, plus 90 days; or
- If the NCP is not located, MiCSES will recalculate the *Federal Expiration Date* when the NCP becomes located, and that date will be the locate date plus 90 days.

3.4.3 Child Added to the Case

The addition of a new child to a case changes the structure of the IV-D case. This situation is similar to starting a new case that is made up of the entire family. When a new child is added to the case, MiCSES will recalculate the *Federal Expiration Date* to allow a new SOP timeframe (90 days) to complete the required federal actions on the case.

³⁸ Ref: Locate documentation on mi-support for more information regarding locate.

However, if the *Federal Expiration Date* for the first child on the case expires before the new child is added, for Self-Assessment audit purposes, the case will fail the audit. If the NCP is located, the recalculated *Federal Expiration Date* will be the date the new child was added, plus 90 days. If the NCP is not located, MiCSES will recalculate the *Federal Expiration Date* when the NCP is located, and that date will be the locate date plus 90 days.

3.4.4 CP Is Noncooperative

When the CP is not cooperative³⁹ with the IV-D program, case establishment may not be possible. The IV-D program may need information that only the CP can provide in order to ensure that the IV-D program has the correct parties and the correct information to begin a viable case. When a CP is noncooperative, and an agency complaint is not possible, IV-D staff should place the CP into noncooperation. When the CP is placed into noncooperation, MiCSES will pause the federal SOP timeframes.

When the CP becomes cooperative, MiCSES will recalculate the *Federal Expiration Date* as the date the noncooperation status was removed, plus 90 days.

3.4.5 CP Claims Good Cause

Federal law and regulations require the IV-D program to stop all child support activities (establishment of support and enforcement of support) for a pending good cause claim⁴⁰ and a good cause determination to “end child support action.”⁴¹

When a CP requests an exemption to the child support cooperation requirement for a good cause reason, IV-D workers must place the case into a “good cause pending” status. MiCSES will pause the federal SOP timeframe until a good cause determination is made, and then recalculate the *Federal Expiration Date* when there is a determination of “good cause denied” or “good cause granted, continue action.” Good cause determinations are submitted to the IV-D program through the MiCSES/Bridges interface.⁴² The recalculated *Federal Expiration Date*

³⁹ Ref: [Section 2.15, “Cooperation/Noncooperation/Good Cause,” of the Michigan IV-D Child Support Manual](#) for more information.

⁴⁰ Ref: Section 2.15 of the *Michigan IV-D Child Support Manual* for more information.

⁴¹ 42 United States Code (USC) 654(29), 45 CFR 302.31(b) and (c), 42 USC 608(a)(2), 42 USC 608(a)(10)(B), and 42 CFR 433.147–433.148

⁴² Ref: Section 2.15 of the *Michigan IV-D Child Support Manual* for more information about good cause claims.

will be the date the good cause determination was entered into MiCSES, plus 90 days.

If there is a determination of “good cause granted, end action,” MiCSES will not recalculate the *Federal Expiration Date*. In this situation, MiCSES will close the IV-D case, and therefore a new *Federal Expiration Date* will not be necessary.

3.4.6 Intergovernmental Case Status Change

When Michigan is the initiating state in an intergovernmental case,⁴³ the responding state is responsible for SOP of the NCP. Therefore, SOP timeframes for the case are not monitored in MiCSES. When an initiating intergovernmental case status changes to a non-intergovernmental case status and the case is still in the establishment stages, Michigan will become responsible for meeting SOP timeframes. Therefore, when an initiating intergovernmental case status changes to a non-intergovernmental case status, MiCSES will populate a new *Federal Expiration Date*.

SUPPORTING REFERENCES:

Federal

42 CFR 433.147 – 433.148
45 CFR 302.31
45 CFR 302.31(b) and (c)
45 CFR 303.2 – 303.5
45 CFR 303.11(8)
45 CFR 303.101(b)(2)(iii)
45 CFR 303.101(b)(2)(i)(A)(B)
42 USC 608(a)(2)
42 USC 608(a)(10)(B)
42 USC 654(29)

Automated Systems for Child Support
Enforcement: A Guide for States: A-1.b, A-2.e,
A-3.e, A-4.e, C.2.a, and C.2.e

State

MCL 333.2824(1)
MCL 552.451
MCL 552.1101–552.1901
MCL 552.1201
MCL 552.1601
MCL 722.711–722.730
MCL 722.714

⁴³ Ref: [Intergovernmental](#) information on mi-support for more information on intergovernmental cases.

MCR 2.102
MCR 2.102(D)
MCR 2.221–2.223
MCR 3.212
MCR 3.926

REVISION HISTORY:

[IV-D Memorandum 2016-007](#)
IV-D Memorandum 2015-024